



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Mark W. Miles
Appl. No. : 09/413,222
Filed : October 5, 1999
For : PHOTONIC MEMS AND
STRUCTURES
Group Art Unit : 2873
Examiner : Hung X. Dang

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 23, 2005
(Date)
Mark M. Abumeri, Reg. No. 43,458

TRANSMITTAL LETTER

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

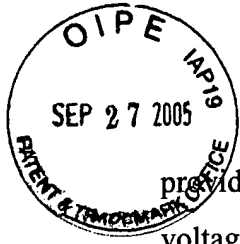
Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

- ☒ Form PTOL-85.
- ☒ A check in the amount of \$1,400 to cover the issue fee is enclosed.
- ☒ Amendment.
- ☒ Twenty-two (22) sheet(s) of Corrected Drawings.
- ☒ Annotated sheets of Drawings showing changes/corrections.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- ☒ Return prepaid postcard.

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

On page 2 of the Notice of Allowability, the Examiner states that "the prior art does not provide release of the device occurring when the difference between the values of the data voltage and the select voltage is below a second predetermined level *lowest*, and the device ...".

In response to the Examiner's reasons for allowability, the Applicant submits that the term "lowest" is not recited in Claim 5 as amended on November 13, 2001. See Applicant's Amendment Submitted With Request For Continued Examination, Page 6, submitted November 13, 2001. Hence, the term "lowest" does not contribute to a basis for allowability of Claim 5. Further, the Applicant submits that Claim 5 is allowable for at least the reasons identified by the Examiner, subject to Applicant's foregoing clarification. More particularly, Claim 5 may be allowable for reasons in addition to those identified by the Examiner. Also, Applicant submits that the dependent claims are allowable for at least the reasons forming a basis for allowing Claim 5. Thus, limitations in each of the claims dependent from Claim 5 may form an independent basis for allowability of the dependent claims.

Should the Examiner have any questions, or need further information, that can be clarified or obtained by telephone, the Examiner is invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 23, 2005

By: 

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AMEND

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